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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,748	08/30/2001	Maria Azua Himmel	AUS920010578US1	9987
35525	7590	09/12/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				CHOW, MING
		ART UNIT		PAPER NUMBER
		2645		

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,748	HIMMEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7, 10-15, 18-24 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 10-15, 18-24 and 28-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

***Claim Objections***

1. Claims 5, 13, 22 recite "the last reported location" (line 5). There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 11, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "determine a location of a wireless telephone device associated with the facility" (line 7) is not clearly defined. It is unclear what is referred by the claimed "associated with". Is it "a location....associated with the facility" or "a wireless telephone device associated with the facility"?

3. Claims 28, 29, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the determination" is not clearly defined. It is unclear the

claimed “the determination” refers to “determining” (line 2 claim 28), or “determining a location” (line 7 claim 1).

4. Claims 28, 29, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “determining when to route the calls to the wired or wireless telephones associated with the facility” is not clearly defined. It is unclear what is referred by “associated with the facility”. Is it “the calls.....asscoated with the facility” or “the wired or wireless telephones associated with the facility”?

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most **nearly connected**, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 11, 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitations cited by “determine a location of a wireless telephone device associated with the facility” (line 7) contradicts with the limitation of “the location of the wireless telephone device is not a location within the facility” (line 11). The “a location.....associated with the facility” (line 7) is interpreted as “a location.....within the facility”. Therefore, this limitation (line 7) contradicts with limitation on line 11 where cites “the location.....is not within the facility”.

6. Claims 5, 13, 22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “the call has an associated address.....wherein the associated address is a geographic location of the facility” is not disclosed by the specification. The current specification disclosed, on line 31 page 3 to line 11 page 4, *a call is received for the telephone number associated with the wireless telephone and the wireless telephone uses its location determination device to determine the location.* The location determination device was used to determine the location of the wireless telephone. The call, before the call is forwarded, was made based on the telephone number and has nothing to do with the telephone location. The “telephone number” can be interpreted as an “address”. However, when the “address” is further claimed to be a “geographic location” the claim, as a whole, is not supported by the specification. Further, it is

not obvious for one skilled in the art to implement a phone call based on the receiving party's geographic location.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torrey et al (US: 6466799), and in view of Wang et al (US: 6934543).

For claims 1, 2, 11, 12, 19, 20, Torrey et al teach on column 2 line 12 to column 3 line 4, converting incoming call signals received at the hand-held wireless device into signals for the wireline telephone devices by the communication premises station system without routing the call through a wired telephone network external to the facility.

Torrey et al failed to teach "determining a location of a wireless telephone device associated with the facility; and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the

facility". However, Wang et al teach on item 107 Fig. 1, HLR B (HLR defines a mobile device's home location; claimed "determining a location of a wireless telephone device associated with the facility"). Wang et al teach on column 3 line 3, roaming mobile subscriber unit B registers with VLR B (roaming outside of the HLR coverage where the facility is located; claimed "the location of the wireless telephone device is not a location within the facility"). Wang et al teach on column 3 line 22-45, based on the location of the roaming mobile unit B, when the location is at a visiting location (claimed "not a location within the facility"; where its time zone is within the inconvenient time period) the call is terminated (the call is not routed).

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the "determining a location of a wireless telephone device associated with the facility; and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility" as taught by Wang et al such that the modified system of Torrey et al would be able to support the system users conveniences of determining a location of a wireless telephone and routing the call to the wireless telephone only when the location is not within the facility.

Regarding claims 3, 21, the "phone call" to the wireless device as taught by Torrey et al is a wireless telephone service. When the call is forwarded to the wirline telephone device, the service is provided by the wired telephone device.

Regarding claim 4, Torrey et al teach on item 110 Fig. 1A a wired telephone device includes a wireless service unit (item 100 Fig. 1A) that provides interfaces (wireless interface between item 100 and 110 Fig. 1A) for providing services to the wired telephone device.

Regarding claims 6, 7, 14, 15, 23, 24, Torrey et al teach on item 365 Fig. 3B, off-hook indication message is the claimed tracking information that identifies the telephone capabilities (capable of accepting the call or not).

Regarding claims 28, 29, 30, Torrey et al in view of Wang et al as stated in claim 1 above failed to teach “determining when to route the calls.....routing the call based upon the determination”. However, Wang et al teach on column 3 line 18-49, determining when to route the call based on time zone and emergency.

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al in view of Wang et al to have the “determining when to route the calls.....routing the call based upon the determination” as taught by Wang et al such that the modified system of Torrey et al in view of Wang et al would be able to support the system users conveniences of routing the call based on time zone or call emergency.

8. Claims 5, 10, 13, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torrey et al as applied to claim 1 above, in view of Wang et al, and in view of Pinard et al (US: 5454032).

Regarding claims 5, 13, 22, the modified system of Torrey et al in view of Wang et al as stated in claim 1 above failed to teach “forwarding the call includes looking up the associated address in a directory”. However, Pinard et al teach on column 2 line 12-32, receiving a call and accessing a particular directory number from a memory for forwarding the call.

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al in view of Wang et al to have the “forwarding the call includes looking up the associated address in a directory” as taught by Pinard et al such that the modified system of Torrey et al in view of Wang et al would be able to support the system users conveniences of forwarding the call by looking up a directory for the forwarding address.

Regarding claims 10, 18, the incoming call to the wireless device as taught by Torrey et al must have a called number. The called number is the identifier of the wireless device.

Torrey et al in view of Wang et al as stated in claim 2 above failed to teach “a telephone number has an associated identifier for the wired telephone device”. However, Pinard et al teach on column 2 line 23, references to equipment identifiers where the call is forwarded (the wired telephone device).

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al in view of Wang et al to have the “a telephone number has an associated identifier for the wired telephone device” as taught by Pinard et al such that the modified system of Torrey et al in view of Wang et al would be able to support the system users conveniences of associating the telephone number with the wired telephone device’s identifier.

*Response to Arguments*

9. Applicant's arguments filed on 8/22/05 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 7-13, regarding new amendments in view of cited prior arts. New grounds of rejections necessitated by the amendments have been stated above.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 571-273-8300.**

Patent Examiner

Art Unit 2645

Ming Chow

(M)

  
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